

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED
FEB 15 2006
JOHN F. CORCORAN, CLERK
BY:
DEPUTY CLERK

PATRICIA A. WREN,

Plaintiff,

v.

CIGNA HEALTHCARE OF
VIRGINIA, INC., trading as Cigna
Healthcare; CIGNA HEALTHCARE
CORPORATION, trading as Cigna
Healthcare; PRIMAX RECOVERIES
INC.; CONNECTICUT GENERAL
LIFE INSURANCE COMPANY,
a CIGNA Company; OUTBACK
STEAKHOUSE OF FLORIDA, INC.,

Defendants.

) Case No. 7:05-CV-00344

) FINAL ORDER

) By: James C. Turk
Senior United States District Judge

In this action brought pursuant to 29 U.S.C. § 1132 of the Employee Retirement Income Security Act, and in accordance with the memorandum opinion entered on this day, it is

ADJUDGED and ORDERED

as follows:

- (1) defendants' Federal Rule of Civil Procedure 12(b)(6) motion to dismiss is **GRANTED** with prejudice because plaintiff's claims are barred by *res judicata*;
- (2) defendants' motion for costs and fees is **DENIED**;
- (3) and, plaintiffs request for class certification pursuant to Federal Rule of Civil Procedure 23 is **DENIED**.

This case is stricken from the active docket of the court.

The Clerk is directed to send a certified copy of this final order and the accompanying memorandum opinion to all counsel for the parties.

ENTER: This 15th day of February, 2006.


SENIOR UNITED STATES DISTRICT JUDGE